

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

GABRIEL J. RAMIREZ,

No. C 10-05874 WHA

Plaintiff,

v.


**NOTICE OF ISSUE FOR  
DISCUSSION AT HEARING**

WELLS FARGO BANK, N.A., NDEX  
WEST, LLC, WELLS FARGO HOME  
MORTGAGE, INC., WELLS FARGO  
BANK SOUTHWEST, N.A., WACHOVIA  
MORTGAGE, FSB, and WORLD  
SAVING BANK, FSB,

Defendants.

At the motion hearing on April 21, the parties shall please be prepared to address the following issue: Defendant argues that plaintiff's claims are preempted by the Home Owners Loan Act because the loan was originated by World Savings, a federally chartered savings association. But are plaintiff's claims relating to foreclosure (as opposed to origination) governed by the National Bank Act, given that Wells Fargo, which conducted the foreclosure sale, is a federally chartered national bank?

Dated: April 19, 2011.



WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE